

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 29, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05A.M. on January 29, 2009 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS PRESENT: Brenda L. Hale, R.N, Chairperson
Lynne M. Cooper, Citizen Member (joined later)
Peregrin C. Francisco, R.N., M.S.A.
Patricia C. Lane, R.N., B.S.N., M. B.A., H.C.A.
Evelyn Lindsay, L.P.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director (joined later)
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director (joined later)
Brenda Krohn, R.N., M.S., Deputy Executive Director
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

STAFF ABSENT: Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With five members of the Board present, a quorum was established.

FORMAL HEARINGS: **Andrea B. Pulliam, C.N.A. Reinstatement Applicant 1401-017190**
Ms. Pulliam did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey court reporter, recorded the proceedings.

The matter of Andrea Pulliam was deferred until the applicant could be present to attend the proceeding.

FORMAL HEARINGS: **Grace Dadzie, C.N.A. Applicant**
Ms. Dadzie appeared, represented by Jennifer McKeever, Esquire.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:43 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Dadzie. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:12 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Francisco moved that the Board of Nursing grant the application of Grace Dadzie for nurse aide certification by endorsement upon proof of successful completion of a nurse aide training program.

The motion was seconded and carried. Ms. Hale, Ms. Francisco and Ms. Ponn were in favor of the motion. Ms. Lindsay and Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Sylvanus S. Musa, C.N.A. 1401-091570**

Mr. Musa did not appear.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; and Karen Doyle, Director of Nursing, Goodwin House were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:55 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Musa. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:10 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Francisco moved that the Board of Nursing reprimand Sylvanus Musa in his practice as a certified nurse aide.

The motion was seconded and carried. Ms. Hale, Ms. Francisco, Ms. Lane and Ms. Lindsay were in favor of the motion. Ms. Ponn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Jennifer Mullins, L.P.N. 0002-072637

Ms. Mullins appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey court reporter, recorded the proceedings.

Donald Jackson, Department of Health Professions Inspector; Renona Rose, C.N.A., Heritage Hall; Samantha Salyers Holmes, C.N.A, former employee of Heritage Hall; Vickie Phipps, Red Onion State Prison; Diane R. Stanely, L.P.N., Red Onion State Prison; and Rena Kincer, Heritage Hall were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mullins. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:27 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing reprimand Jennifer Mullins in her practice as a practical nurse.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Francisco, Ms. Krohn and Ms. Lee left the meeting.

RECESS:

The Board recessed at 1:30 P.M.

RECONVENTION:

The Board reconvened at 2:30 P.M.

Ms. Cooper, Ms. Power, Dr. Saxby and Ms. Davis joined the meeting.

FORMAL HEARINGS:

Edward Erinle, American International Institute of Health Practical Nursing Education Program

Mr. Erinle appeared, represented by attorney Jonathan Joseph.

Wayne Halbleib, Assistant Attorney General and LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Ms. Lane disclosed that she has worked with one of the employees of American International Institute of Health and states she is able to render an unbiased decision. There were no objections to this disclosure.

Ms. Douglas left the meeting.

Cherry Karl, R.N., Ph.D., M.S.N., M.A.; and Edward Erinle, R.N., M.D., Program Director, were present and testified.

RECESS:

The Board recessed at 5:20 P.M.

RECONVENTION:

The Board reconvened at 5:40 P.M. and continued with the testimony of Dr. Carl.

Ms. Davis left the meeting.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:55 P.M., for the purpose of deliberation to reach a decision in the matter of American International Institute of Health. Additionally, Ms. Lindsay moved that Ms. Power, Dr. Saxby and Mr.

Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 7:34 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing continue American International Institute of Health on provisional approval upon the condition it may not admit any students (generic or transfer) until the Board has received and acted upon a self evaluation report of compliance, the 2008-2009 NCLEX-PN results, and results of an on-site visit to be scheduled and completed within sixty days of entry of the order. At such time, the Board may grant continued provisional approval or withdraw approval of the practical nursing education program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Davis rejoined the meeting.

FORMAL HEARINGS:

Denise M. Causey, L.P.N. 0002-055050

Ms. Causey did not appear.

Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Mr Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Causey. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 7:53 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing revoke the practical nursing license of Denise Causey.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 7:55 P.M.

RECONVENTION: The Board reconvened at 8:25 P.M.

FORMAL HEARINGS: **August S. Olinger, R.N. 0001-194797**
Ms. Olinger appeared, accompanied by her husband.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:10 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Olinger. Additionally, Ms. Olinger moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:40 P.M.

Ms. Lane moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing take no action in the matter of August Olinger contingent upon verification of entry into a participation contract

with the Health Practitioners Intervention Program within forty-five days and remaining in compliance thereafter.

The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Lane and Ms. Ponn were in favor of the motion. Ms. Lindsay opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Barbara Marie Callis, L.P.N. 0002-062177**
Ms. Callis appeared.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Callis. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:25 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing reprimand Barbara Callis and require Ms. Callis to complete the National Council of State Boards of Nursing course "Ethics of Nursing Practice" within sixty days of entry of the order.

The motion was seconded and carried. Ms. Lindsay, Ms. Cooper and Ms. Hale were in favor of the motion. Ms. Lane and Ms. Ponn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 10:30 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director